



U.S. Department of Justice

United States Attorney
District of New Jersey
Civil Division

CRAIG CARPENITO
UNITED STATES ATTORNEY

Ben Kuruwilla
Assistant United States Attorney

970 Broad Street, Suite 700
Newark, NJ 07102
ben.kuruwilla@usdoj.gov

main: (973) 645-2700
direct: (973) 297-2085
fax: (973) 297-2010

August 7, 2019

By ECF

Honorable Madeline Cox Arleo
United States District Judge
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: ***Harris v. The Bozzuto Group, et al,***
Civil Action No. 2:18-cv-10277 (MCA)(SCM)

Dear Judge Arleo:

I represent the Government in the above-captioned matter which the Court dismissed without prejudice on April 24, 2019. I write regarding plaintiff's June 17, 2019 filing, which purports to serve as plaintiff's third amended complaint. *See* ECF No. 107. On April 24, 2019, the Court granted the motions to dismiss filed by the Government and the Bozzuto Group, Thomas Bozzuto, Toby Bozzuto, David Curcio, and Michelle Demetriou (collectively, the "Bozzuto Group Defendants"). *See* ECF No. 103. In its Order, the Court ruled that the dismissal was "without prejudice to the submission, within 60 days, of a properly supported motion to amend the Complaint." *Id.* at p. 5.

Plaintiff has not filed any motion to amend the complaint. Instead, on June 17, 2019, plaintiff filed a document she characterized as a third amended complaint. That new complaint still names the Bozzuto Group Defendants and names several new defendants, including new Government defendants (in addition to the current Attorney General and FBI Director Christopher Wray), KBR, Inc. (along with KBR Inc.'s chief executive officer) (collectively, the "KBR Defendants"), and several physicians.¹ It is unclear if Plaintiff has served any of the newly-named Government

¹ Although all of these defendants are listed in the caption of the new complaint, the docket only reflects the Bozzuto Group Defendants, Former Attorney General Jefferson Sessions, FBI Director Wray, and the KBR Defendants.

defendants or any of the physicians listed in the new complaint and no summonses have issued for these newly-named defendants.

On July 16, 2019, the KBR Defendants filed a motion to dismiss the new amended complaint. *See* ECF No. 110. On July 30, 2019, the Bozzuto Group Defendants answered the new amended complaint. *See* ECF No. 111. According to the motion scheduling deadlines on the KBR Defendants' motion to dismiss, Plaintiff's response was due on August 5, 2019, but no response was filed.

Plaintiff never received leave from the Court to file a third amended complaint and did not receive the consent of the parties. Accordingly, Plaintiff has not complied with either Federal Rule of Civil Procedure 15(a) or the Court's April 24, 2019 Order. Because Plaintiff has not filed a motion to amend or otherwise obtained leave to file any new complaint, the Government has not responded to the document filed at ECF No. 107. Moreover, the docket reflects that this action is closed. If the Court would like the Government to respond to Plaintiff's filing, the Government respectfully requests the Court issue an order to this effect.

Thank you for your consideration of this letter.

Very truly yours,

CRAIG CARPENITO
United States Attorney

By: /s/ Ben Kuruvilla
BEN KURUVILLA
Assistant United States Attorney

cc: **By ECF**
Beverly M. Harris
Plaintiff Pro Se

BY ECF
Robert Griffin, Esq.
Attorney for Defendants Bozzuto Group Defendants, Thomas Bozzuto, Toby Bozzuto, David Curcio, Michelle Demetriou

BY ECF
Philip May, Esq.
Attorney for KBR Defendants